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April 29, 2020

VIA ECF

Hon. Paul G. Gardephe, U.S.D.J.
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

EDWARD J. PHILLIPS
Principal Member
ephillips@kblaw.com
Also Admitted in CT

Re: United States v. 111 East 88th Partners, 16 Civ. 9446 (PGG) (KHP)

Dear Judge Gardephe:

We are co-counsel to Defendant 111 East 88th Partners (“111 Partners”) in the above-referenced action. Due to scheduling conflicts, I write on behalf of both parties to jointly request a continuance of the July 20, 2020 trial date that was established in the Court’s Order entered on April 27, 2020.

My own scheduling conflict arises from my need to appear at a bench trial beginning on July 13, 2020 in *Grunberg 77 LLC v. B.R. Guest Parent Holdings, LLC, et al.*, 17 Civ. 5627 (AKH). As scheduled, I would expect the *Grunberg* trial to overlap with this one. Another complication is that Robert Ernstoff, who is the only principal of Defendant familiar with this matter and in his 70s, is recovering from CV-19. We are uncertain when Mr. Ernstoff will be able to participate in the defense of this litigation in a meaningful way. At the moment, he is unavailable. The Government advises that it has scheduling conflicts that prevent it from beginning trial in this matter on July 20, 2020.

We have conferred with the Government and jointly propose that trial in this matter begin on or after October 19, 2020. We have selected this date to accommodate the foregoing scheduling conflicts and avoid certain religious holidays in September and October. We also ask that the deadlines for pre-trial submissions be adjusted accordingly.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ Edward J. Phillips

Edward J. Phillips

cc: AUSA Brandon M. Waterman (via ECF)